

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL MEETING
MINUTES MAY 22, 2002**

CALL TO ORDER

Agency Member/Mayor Pro Temper Carr called the meeting to order at 6:33 p.m.

ROLL CALL ATTENDANCE

Present: Council Members Carr, Tate, Sellers; Vice-Chair/Council Member Chang (by telephone)
Absent: Mayor Kennedy

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk Corbet certified the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2

City Council Action

A) EMERGENCY AUTHORIZATION FOR WELL DRILLING

Jim Ashcraft, Director of Public Works, presented the staff report. Mr. Ashcraft stated groundwater contamination spreading from a hazmat clean-up site at the northeast corner of Tennant and Railroad Avenue has now spread to the extent that the City can no longer operate our Tennant Avenue production well. The well has been turned off since we discovered perchlorate contamination at a level just above the action level by the Department of Health Services and we must find a replacement well prior to this summer's peak water demand. Staff has been working closely with Santa Clara Valley Water District on possible new water sources and have concluded that the only viable short term option for the City is the construction of a new well using the emergency procurement procedures where we waive the formal bidding requirements of the public bid law. For expediency, the well must be sited on City owned property and must be sited near enough to a City water line where we can quickly connect the new well to our water supply. We've reviewed all possible City owned sites that are sufficient in size and near enough to our water distribution lines to make the connection, and we've concluded that our proposed sports complex property that houses the existing CYSA soccer fields is the only location to allow us to complete a well in sufficient time to meet the summertime peak demand. We have determined the location where we both minimize impact now on the existing CYSA soccer fields, and also minimize the effect of the 20' x 40' well building at our future sports park. The well site is in the existing gravel parking lot near San Pedro Avenue.

Mr. Ashcraft requests authorization from Council to 1) spend the sum of \$710,000, within the next couple of months, to drill an emergency well and 2) waive the formal bidding requirement, to expedite the institution of a new source of water supply. With Council authorization, the City would

seek informal bids from contractors, and proceed with construction.

Council Member Tate asked if there is money available to pay the cost of construction should reimbursement from the Fusee Corporation not be recovered? Mr. Ashcraft, stated funds could possibly be obtained through the state clean-up fund, but that fund is related to leaking gasoline tanks. Mr. Ashcraft stated there shouldn't be any problem in collecting the funds from Fusee.

Council Member Chang asked why the cost of the new well is so high? Mr. Ashcraft stated two years ago a full well replacement, Nordstrom well, cost was \$650,000, and he thinks \$710,000 isn't unrealistic.

Council Member Tate stated there is a need to recover the money as soon as possible.

City Attorney Leichter stated the City has retained Hatch & Parent, which is a law firm specializing in water law and recovery of funds. Mr. Ashcraft has been in close consultation with them and they have advised the City of a course of action to pursue if the funds aren't paid.

Action: *On a motion by Council Member Sellers, seconded by Council Member Tate, the City Council, on a vote of 4-1 (Kennedy absent), 1) Adopted the resolution declaring the need for this emergency expenditure and 2) Appropriated \$710,000 from the unappropriated water fund balance to fund an emergency well at the future sports park site.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

ADJOURNMENT

There being no further business, Agency Member/Mayor Pro Temper Carr adjourned the meeting at 6:38 p.m.

MINUTES RECORDED AND PREPARED BY

LOIS A. CORBET, Deputy City Clerk